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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,103	05/21/1999	TRACY LEE NELSON	1176	8645

28004 7590 05/23/2002  
SPRINT  
6391 SPRINT PARKWAY  
KSOPHT0101-Z2100  
OVERLAND PARK, KS 66251-2100

EXAMINER

AGDEPPA, HECTOR A

ART UNIT PAPER NUMBER

2642

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/317,103

Applicant(s)

NELSON ET AL.

Examiner

Hector A. Agdeppa

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 9 – 16, 21, 22, 24, 25, 26 – 33, 35 – 38, 41, 42, 45, 60, 66, 67, 69, 80, 81, 88, 89, 92, 93, 95 – 97, 100 – 105, and 107 are rejected under 35 U.S.C. 102(e) as being anticipated by Christie.

As to claims 1, 15, 16, 21, 22, 25, 26, 32, 35 – 37, 41, 42, 45, 47, 66, 67, 69, 88, 92, 93, 95, 97, 100 – 104, and 107, Christie teaches a method, system, and apparatus for telecommunications control of narrowband and broadband networks wherein the system uses a communication control processor (CCP) 120 or various network elements such as STPs 338, 340, 345 and switches 370, 380, etc. for processing call signaling. The system also allows a user to program the CCP via operation control with various data or information allowing the CCP, for example, to manage performance and

Art Unit: 2642

thus select network elements for use based on network conditions. Inherently, configuration data must be sent to any of the above signaling processors. Furthermore, Christie teaches that the CCP may be implemented in and/or located in many different ways and/or within many network elements allowing for remote control of call processing applications. Also taught by Christie is the ability to monitor and report error conditions and alarms read as the claimed "fault management" as well as configuring and selecting and accessing appropriate communications, links and network elements, servers, platforms, or even circuits or trunks for completing calls or executing call processing applications. Furthermore, tables, lists, and databases are taught by Christie for status and record keeping purposes, whether local or remotely located.

(Figs. 1 – 3, Col. 1, lines 24 – 35 and lines 62 – 67, Col. 3, lines 1 – 7 and lines 20 – 67, Col. 4, lines 42 – 56, Col. 5, lines 19 – 64, Col. 7, lines 18 – 65, Col. 8, lines 47 – 56, Col. 9, line 1 – Col. 11, line 58, Col. 12, lines 56 – 65, Col. 13, lines 13- 58, Col. 14, line 26 – Col. 15, line 22, and Col. 20, lines 19 – 31)

As to claim 9, Christie teaches routing communications between a plurality of local and external network elements, each of those elements being connected either directly or indirectly to the CCP.

As to claims 10 – 14 and 100, a human machine interface is inherent with regards to the operations control centers since user configuration of the system of Christie is taught as discussed above, as is messaging and broadcasting faults and alarm data with regard to monitoring and reporting fault, alarms, and other network and element data as already discussed above.

As to claim 27, since as discussed above, the system of Christie teaches monitoring and reporting alarm and error data and as a result of such monitoring and performance monitoring as well, selecting/using network elements accordingly to best service a caller/customer or execute a service or application, a network management system as claimed is inherent.

As to claims 28 and 29, Christie teaches that call applications can be anywhere or accessed via any network elements as already discussed above.

As to claims 30, 31, and 102, Christie teaches such a signaling processor and interface in Col. 3, lines 41 – 55.

As to claims 33 and 105, note that in Col. 10, lines 12 – 25, muxes read as the claimed "interworking unit" are taught and in fact, inherently necessary in some form in any system allowing for information to pass from narrowband to broadband and vice versa and furthermore, in most any system that contemplates interaction between various local and remote/outside network elements. Furthermore, in Col. 10, lines 5 – 11, signaling interworking units are also taught by Christie.

As to claim 38, control messages are taught by Christie for example, in Col. 14, line 44 – Col. 15, line 4 and also, in any IN system or any other communications system allowing for management or control or preferences or features, control messages are inherently needed.

As to claims 60, 89, and 96, security databases and systems are inherent in any system allowing configuration or manipulation of features, preferences, or elements unless such configuration or manipulation is allowed to be performed by anyone. Even

Art Unit: 2642

in standard phone systems such means are implemented for the simplest features such as accessing and configuring voice mail for example.

As to claims 24, 80 and 81, accounting or billing systems are inherently taught by Christie unless such a system provides services for free and further mentions external billing servers as being implemented in Col. 8, line 55. Also, call detail records and reports are inherent in any IN/AIN system as these record or reports are how subscribers are identified and have services executed and how subscribers are charged for these services.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 – 8, 17 – 20, 23, 34, 39, 40, 43, 44, 46 – 59, 61 – 65, 68, 70 – 79, 82 – 87, 90, 91, 94, 98, 99, and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie.

As to claims 2 – 8, 17 – 20, 46 – 59, and 61 – 65, Christie has been discussed above but does not specifically teach all the claimed features in the above claims. However, features such as call monitoring, tapping, tracing, various call queries, test calling, detection of fraudulent calls, call gapping, call skipping, storing raw history call data, denying certain calls, etc. are all very old and well known features found in a myriad of telecommunications system and inasmuch as the instant invention may seek inventiveness by combining the above features into one system, again, all are old and well known, and therefore, would have been obvious features to implement in the invention of Christie for either making a system more flexible or more inclusive and such would be only preferences or design choices. Furthermore, note that Christie in Col. 4, lines 46 – 60 and Col. 8, lines 47 – 56, it is contemplated that most any type of server or processor or platform for most any type of service or application or feature can be implemented into the system.

As to claims 23 and 39, reporting and monitoring has been discussed above and whether or not reports are simply displayed on a terminal or forwarded to various centers or systems within Christie, would have been obvious for one skilled in the art as such are simply configuration choices or operational preferences.

Art Unit: 2642

As to claims 34, 68, and 106, ATM communications and their mode of operation and functionality are very old and well known and taught by Christie in Col. 4, lines 52 – 63 as are switching matrices Col. 13, lines 38 – 44 and so to employ ATM a matrix would have been obvious for one skilled in the art to do in the system of Christie.

As to claim 40, fault management, i.e., alarm and error monitoring and reporting has already been discussed. It is contemplated in Christie that perhaps a network element or device becomes inoperable or overloaded in which case an alarm or error would be generated by that element and so of course, unless the system of Christie has unlimited resources, a system admin for example, would need to recover that element and so reporting data to a certain management site or operation center would be inherent and if there are multiple sites to which reporting could be made to, such would be obvious to one skilled in the art.

As to claims 43 and 44, as already discussed above, external devices may be monitored by Christie, and therefore, it would be at least obvious if not inherent that appropriate data associated with those devices or elements would be displayed and whose data would be managed and in what way, i.e. a regional craft control system would be an obvious operational preference to one skilled in the art.

As to claims 82 and 83, accounting and billing has already been discussed above and duplicate reporting and determining whether duplicate records have been generated (to avoid incorrectly charging a customer for example) and billing reporting are very old and well known and would be at the least obvious for one skilled in the art to implement in the system of Christie if not inherent.



Art Unit: 2642

As to claims 70 – 79, monitoring of network elements and their performance has been discussed above and whether this data is simply displayed, but more likely stored for record-keeping, status reporting or system optimization, how such data is stored and in what type of database or databases are all old and well known obvious choices for one skilled in the art.

As to claims 84 – 87, accounting and billing and monitoring and storing various data has been discussed and the same is applicable to these claims.

As to claims 90 and 91, user security has already been discussed above and as to what protocol is used to implement such would be an obvious preference or design choice made by one skilled in the art.

As to claims 94, 98, and 99, such is obvious if not inherent in any system, including the system of Christie that uses a maintenance or operations center that monitors and allows for configuration of network elements inasmuch as new software or hardware, fixes, updates, patches, etc. are always being implemented in telecommunications systems and so keeping track of versions and various configuration data is a necessity.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat 5,867,494 (Krishnaswamy et al.) teaches a system and method for a broadband communications system having control and management

Art Unit: 2642


systems as well as accounting servers, signaling processors, ATM switching, various databases for storing all appropriate information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 703-305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

H.A.A.  
May 10, 2002

  
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